

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice PM-2382

For: FSA, RMA, and FAS Employees

**Using Annual Leave to Avoid Forfeiture and Exigency Information
for Leave Year (LY) 2003**

Approved by: Deputy Administrator, Management



1 Overview

A Purpose

This notice:

- requires that employees, who will have excess annual leave at the end of LY 2003, schedule its use **no later than COB November 28, 2003**
- informs employees that excess annual leave **not** used or donated will be forfeited at the end of LY, unless an exigency of public business is granted
- notifies employees that LY 2003 has 26 pay periods and ends on January 10, 2004
- reminds employees to check the forfeiture date on any previously restored annual leave
- informs employees about donating excess annual leave to an approved recipient in the Leave Transfer Program (LTP)
- informs National Office employees about donating excess annual leave to the FFAS National Office Leave Bank (LB)
- contains compensatory leave (comp time) rules
- contains information on authorizing officials for exigencies of public business and details on related actions
- instructs State and County Office employees who want to receive e-mail notification about other GS or CO Field Office employees who are approved LTP recipients.

Disposal Date

April 1, 2004

Distribution

All FFAS employees; State Offices relay to
County Offices

2 Annual Leave Carryover

A Carryover Limits

- 240 hours of regular annual leave may be carried forward into the new LY
- 360 hours of regular annual leave may be carried forward into the new LY by FAS employees currently assigned overseas.

B Exempted Employees

Employees, who are exempt from the 240-hour rule, may contact their servicing personnel office to verify the status of their current annual leave ceiling.

Note: Approved leave transfer recipients are **not** limited to the amount of annual leave they may carry from one LY to the next.

C FAS Employees Reassigned to the United States

Employees reassigned and returning to the United States, after serving overseas, fall back to a 240-hour annual leave ceiling. However, they may retain a higher ceiling of up to 360 hours of annual leave as long as their annual leave balance, at the end of LY, does **not** fall below either of the following:

- 360 hours
- the leave ceiling they established upon their return to the United States.

Note: During LY, a returning FAS employee's annual leave balance may fall below 360 hours or their established leave ceiling, but their annual leave balance at the end of LY must have accrued back up to 360 hours or their desired leave ceiling before the end of LY to retain the higher annual leave ceiling.

D Restored Annual Leave

Employees, who have had annual leave restored to them from a previous LY, need to verify the forfeiture date of this leave and request use of any restored annual leave that is scheduled for forfeiture at the end of LY 2003.

Restored annual leave should be used in LY in which it is restored, but may be carried forward and used in the following LY, which allows approximately 2 leave years for use. If **not** used within this timeframe, it is forfeited.

Note: OPM regulations referencing use of restored annual leave have changed from 3 years to 2 years. 17-PM, subparagraph 66 F will be amended accordingly.

3 Comp Time

A Rules

Earned comp time shall be used before annual leave, except when usage will cause forfeiture of excess annual leave at the end of LY.

B Time Limit for Scheduling Usage

Comp time should be used in LY in which it is earned, but unused comp time can be carried forward one LY. Comp time earned in LY 2002 and carried forward into LY 2003 will expire and be dropped from the employee's NFC leave record during the end of LY rollover. An employee's leave and earnings statement for pay period 1, 2004, will reflect the expiration of comp time.

Note: Before preparing T&A for pay period 1, 2004, timekeepers will need to adjust comp time balance for any employees whose comp time expired at the end of LY 2003.

C Requesting Payment for Expired Comp Time

Employees, who are unable to use their comp time hours before it expires, according to subparagraph B, are entitled to be paid for their expired comp time leave at the overtime rate in effect when the comp time was earned.

To receive payment for expired comp time, the employee shall notify their servicing personnel staff or their servicing personnel office and request payment after pay period 1, 2004.

Note: Credit hours do **not** expire and balances at the end of pay period 26 will be carried forward to pay period 1 of the new LY.

4 Donating Excess Annual Leave

A Donations to LTP Recipient

Under the voluntary LTP, GS employees may donate their excess and/or restored annual leave to another GS employee who is an approved leave recipient. CO employees may also donate their excess and/or restored annual leave to an approved CO recipient. By law, GS and CO employees are **not** considered to be in the same leave system, so annual leave cannot be donated from a GS employee to a CO employee or vice versa. To donate within USDA, use AD-1043 and for donations outside USDA, use OPM-630B.

B Donations to LB

FSA, RMA, and FAS National Office employees may donate their excess and/or restored annual leave to LB by completing and signing FFAS-1043. FAX leave bank donations to Lashawn Tucker at 202-418-9129.

4 Donating Excess Annual Leave (Continued)

C Donation Limitations

Donations of excess annual leave to an approved LTP recipient or LB are **limited** to the lesser of the following:

- one-half of their accrued annual leave entitlement for LY 2003
- the number of scheduled workhours remaining in LY.

D Exemption to Limitations

Exemptions to LTP donations limits, according to subparagraph C, may be granted by leave transfer coordinators in the National Office-HRD, KCAO-HRD, and State Administrative Officers (OA's) or their designees **only** when the donation is for an approved LTP recipient who is still in need of leave.

Note: Exemptions for donations to LB **cannot** be granted (FFAS National Office only).

5 Information on Approved LTP Recipients

A Lists of Approved LTP Recipients

The leave transfer coordinators in the National Office-HRD and KCAO-HRD will try to maintain current lists of approved FSA, RMA, and FAS leave recipients. These lists will be available, by e-mail, starting on approximately November 3, 2003, through the end of LY from the following HRD employees.

Servicing Area	Contacts
FSA National Office RMA National Office RMA Field Offices, except Kansas City FAS National Office and Overseas	Lashawn Tucker, HRD National Office Telephone: 202-418-9068 FAX: 202-418-9129 E-mail: lashawn_tucker@wdc.usda.gov
KCAO ITSD employees KC and St. Louis APFO	Toni Sieben Telephone: 816-823-3308 FAX: 816-926-6156 E-mail: AKSIEBEN@kcc.usda.gov
KCCO KCFO RMA-Kansas City Only	Dana Candler Telephone: 816-926-6117 FAX: 816-926-6156 E-mail: DMCANDLER@kcc.usda.gov

Notes: State Offices may contact any of the contacts in this subparagraph.

Supervisors of approved recipients are still encouraged to solicit donations independently of the lists of approved LTP recipients.

5 Information on Approved LTP Recipients (Continued)

B State and County Office Recipients

HRD and the ITSD Help Desk Staff, have created 2 nationwide subscription lists, one is for approved GS recipients and the other for approved CO recipients. This process is handled by using the FFAS Intranet subscription lists. The leave transfer coordinators in each State Office have access to post approved leave recipients to these lists.

Once a recipient is posted to the subscription list, an e-mail is automatically generated to all active subscribers of the list. See Exhibit 1 for instructions on activating or deactivating a subscriber's enrollment to these lists. State Offices may contact Sally Reed at **sally_reed@wdc.usda.gov** if there are further questions about posting to or using the subscription lists.

Note: The nationwide subscription lists should only be used when the recipient's need for donations **cannot** be met within the State or local offices.

6 Responsibilities and Actions

A Supervisory Action

Managers and supervisors shall accept SF-71's from employees requesting the use of their excess annual leave. Employees are required to submit these SF-71 requests to their first line supervisor **no later than COB November 28, 2003**. All requests for use of excess annual leave shall either be approved or disapproved as soon as possible after receipt.

If the use of excess annual leave must be denied, supervisors shall write "canceled" across the employee's SF-71 and note the reason. Supervisors and employees shall attempt to reschedule the use of any canceled excess leave before the end of LY, if possible.

B Employee Action

Employees, who have **not** already scheduled the use of their excess annual leave for LY 2003, must:

- schedule use of their excess annual leave by submitting SF-71 to their first line supervisor no later than COB November 28, 2003
- verify the forfeiture date of any previously restored annual leave to ensure it will **not** be forfeited at the end of LY 2003 and schedule its use if it will expire
- review and determine whether any comp time hours will expire at the end of LY 2003
- retain a copy of any SF-71's, where the use of excess annual leave has been denied or canceled.

7 Exigencies of Public Business

A Definition of Exigency of Public Business

The following is the legal definition of an exigency of public business.

An exigency of public business occurs when a critical need is sudden or unexpected, an emergency, or a pressing necessity, characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an agency or designee.

Note: Poor leave planning, a heavy workload, or recurring cyclical peaks, alone, does **not** constitute an exigency.

B Authorizing Officials for Exigencies

Within FFAS, the Administrators of FSA, RMA, and FAS or their designees have the authority to approve an exigency of public business. Approval of an exigency for LY 2003 allows an employee to have all or part of their forfeited annual leave restored in LY 2004.

FSA designees are:

- Deputy Administrators
- SED's
- Directors or designees, KCAO, KCCO, KCFO, APFO

Note: All ITSD Center Directors will submit requests to approve an exigency of public business to Frank Shehan, Director, ITSD for consideration by DAM.

C FSA County Offices

CED's, Farm Loan Managers (FLM's), COC's, and DD's shall discuss the appropriateness of possible exigencies within their area of authority. If it is decided that an exigency situation may exist, it should be discussed with the State's AO and/or SED. If the State Office agrees that exigency conditions exist, then the affected offices or employees shall be notified. Employees affected by an exigency shall follow the instructions in subparagraph E.

States shall decide who will provide preliminary approval for exigencies before they are forwarded to the State's AO for review. AO will review each request on a case-by-case, situation-by-situation basis, and forward his or her recommendations to SED for approval. Employees who have requested an exigency will be notified of approval or disapproval in a timely manner.

Note: DAFO will be available to provide guidance and oversight.

7 Exigencies of Public Business (Continued)

D All Other FFAS Offices

Division Directors, Office Managers, and AO's shall discuss the appropriateness of exigencies for employees on their staff with their authorizing official, according to subparagraph B. If an exigency exists, notification will be made to the proper mid-level supervisors or staff members. Affected employees shall follow the instructions in subparagraph E to request an exigency and forward their request to their first line supervisor.

First line supervisors shall review and initial their concurrence on the exigency requests before forwarding the request to the Division Director, Office Manager, or AO for preliminary approval. Division Directors, Office Managers, and AO's will then forward their recommendations to the appropriate authorizing official. Employees, who have requested an exigency, will be notified of approval or disapproval in a timely manner.

E Procedures for Requesting an Exigency

To request exigency consideration and restoration of forfeited annual leave, employees must:

- have submitted their SF-71 request to use their excess annual leave no later than COB November 28, 2003
- have had the use of all or part of their excess annual leave hours canceled or denied before the end of LY 2003
- prepare a brief memorandum addressed to their authorizing official, according to subparagraph B, which shall include the following:
 - their name and Social Security number
 - justification for the exigency
 - an estimate of the number of excess annual leave hours they expect to forfeit
 - copies of their "canceled" or "denied" SF-71's
- forward the memorandum and its attachments to their first line supervisor for review.

F Exigency Approval

Authorizing officials or their designee, according to subparagraph B, shall approve or disapprove exigency requests and return these packages back to the appropriate office. Division Directors, Office Managers, and AO's will ensure that approved exigency packages, including attachments, are FAXed to the employee's servicing personnel contact, according to subparagraph 8 A, and that employees are notified of the approving official's decision.

7 Exigencies of Public Business (Continued)

G Restoration of Forfeited Annual Leave

Employees, who are approved for an exigency and restoration of leave, shall have the actual number of hours they forfeited restored. The processing of restored annual leave will take place as soon as possible after pay period 1, 2004. Upon restoration, the servicing personnel office shall notify the employee and their timekeeper of the restoration. Restored annual leave is a separate leave category from regular annual leave and timekeepers shall use transaction code 63 to record the employee's use of restored annual leave.

Note: Restored annual leave is eligible for lump sum payout, if the employee resigns or retires before the end of LY 2005.

8 Contacts and Other Important Information

A Servicing Personnel Contacts

All approved exigency requests should be received by the employee's servicing personnel contact listed in this subparagraph **on or before the end of pay period 1, 2004.**

Location/Office	Servicing Personnel Contact
FSA County Office (GS and CO employees) FSA State Office employees, except SED's	State Office State Office Human Resources Staff
KCAO KCFO ITSD employees KC and St. Louis APFO	KCAO-HRD Attn: Carolyn Layden 816-926-6709 816-926-5609 (FAX) E-mail: CDLAYDEN@kcc.usda.gov
KCCO	KCAO-HRD Attn: Patty Gepford 816-926-6225 816-926-5609 (FAX) E-mail: PGGEPPORD@kcc.usda.gov
RMA (Kansas City Offices)	KCAO-HRD Attn: Myrna Highlander 816-926-6184 816-926-5609 (FAX) E-mail: MFHIGHLANDER@kcc.usda.gov
FSA National Office FAS National Office FAS Overseas RMA, except Kansas City SED's	National Office-HRD Attn: Angela Jackson 202-418-9019 202-418-9129 (FAX) E-mail: Angela_Jackson@wdc.usda.gov

8 Contacts and Other Important Information (Continued)

B Servicing Personnel Office Actions

Upon receiving an **approved** exigency memorandum, servicing personnel contacts shall verify the receipt of the following information:

- the exigency memorandum has been signed by an authorizing official, according to subparagraph 7 D
- copies of employees' SF-71's that were canceled or denied are attached.

During or after pay period 2, 2004, servicing personnel contacts shall:

- verify the amount of annual leave that was actually forfeited by the employee by checking NFC's TINQ screens under the category "Leave Forfeited"
- document the hours to be restored, process the restoration, and notify the employee and their timekeeper of the pay period in which the restoration will take place. Timekeepers shall also be advised on how to update the employee's T&A record.

C Using Restored Annual Leave

Employees, who have had their forfeited annual leave restored, shall have until the end of LY 2005 to use it. Restored annual leave is a separate leave category from regular annual leave and should be used by the employee before regular annual leave. By law, annual leave restored from LY 2003 must be used by the end of LY 2005 or it is forfeited and **cannot** be restored a second time.

Timekeepers shall use T&A transaction code 63 when recording the use of restored annual leave.

D Labor Management Obligations

Where exclusive representation exists, bargaining may be requested to the extent allowed by applicable statutes. Where contract language already addresses these policies and procedures for bargaining unit employees, contract language prevails.

Subscribing to FSA's Leave Recipient Subscription Listings on the FSA Intranet

All Field Office employees should have access to the FSA Intranet. To subscribe to one of the nationwide "recipient" subscription lists, CO and GS employees may access:

http://intranet.fsa.usda.gov/e_lists/default.htm.

At the **top** of this web screen, do the following.

- Enter your e-mail address.
- In the middle of this screen, you will see the following:
 - Leave Transfer Program - GS Leave Recipients
 - Leave Transfer Program - CO Leave Recipients.
- Highlight the selection you want to subscribe to by choosing either the GS or CO Leave Recipient List.
- Proceed to the pull-down menu box and select how frequently you want the lists delivered to your e-mail address.
- Then click "Submit".

Any information posted to the recipient lists after you subscribe will be automatically sent to your e-mail address.

Notes: To unsubscribe to the subscription lists, return to the above website and be sure to enter your e-mail address at the top of the screen before scrolling down and selecting "Stop receiving email".

Your correct e-mail address is critical to receiving or stopping your subscription.